

## Attention Illinois Employers: 3 Handbook Policies To Revisit Now

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If you haven't reviewed your attendance, sick leave, or pregnancy-related policies in a while, the time is right to ensure you stay up to date and prevent potential pitfalls.

### Parental leave and pregnancy accommodation policies may need updates

Recent lawsuits, such as the one that the [EEOC filed against Estee Lauder](#), claim companies' parental leave policies violate sex discrimination laws if they provide male employees with less bonding leave upon the birth of a child than female employees receive. This serves as a reminder that parental leave policies should be reviewed periodically, and updated if necessary, to ensure they do not unlawfully discriminate on the basis of gender. In addition, Illinois requires employers with one or more employees to comply with pregnancy accommodation requirements or risk a claim under the Illinois Human Rights Act. Job applicants and part-time employees also are covered by the accommodation provisions. Illinois requires employers to include information regarding pregnancy accommodations in their employee handbooks and to [post a notice in the workplace](#).

### Attendance policies can curb unemployment claims

Employers in Illinois can use a well-written and consistently enforced attendance policy as a basis to protest an unemployment claim when an employee has been discharged for poor attendance. To take advantage of a revised definition of "misconduct" in the Illinois Unemployment Insurance Act, employers can follow these three steps:

- Provide written notice to employees of reasonable attendance and punctuality requirements (and use a signed acknowledgement as proof the employee received notice)
- Issue at least one written warning when an employee violates the policy prior to a termination decision for repeated violations
- Ensure the attendance policy complies with federal, state, and local leave laws. This last point can prove to be a trap for the unwary if your attendance policy is not yet compliant with new local paid sick leave requirements. (See next section below.) In short, if an employee is entitled to use a paid sick day or leave under applicable laws, they generally should not be disciplined under the attendance policy.

If an employee reaches the point at which termination is warranted, be sure to keep all relevant records to support the decision. That way, once a notice of an unemployment claim is received, you will be in a position to file a timely

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protest that includes a copy of the attendance policy and all supporting documentation of the attendance policy violations.

## **Sick leave must comply with new local and state laws**

[Paid sick leave laws](#) in the city of Chicago and Cook County went into effect July 1, 2017. In addition, as of Jan. 1, 2017, [employers throughout Illinois who provide paid sick days](#) must allow employees to use at least half of their annual accrual of paid sick leave to care for children and other family members. The Illinois law does not mandate paid sick leave on a statewide basis. Employees who work in Chicago (or who work in the few Cook County cities that have not opted out of the paid sick leave requirements) now can accrue up to 40 hours of paid sick leave per year and carry over unused time into the following year. A front-loading option is available that can ease the burden of tracking accrual and carry-over.

We are finding that there is no one-size-fits-all approach to compliance with the Chicago and Cook County ordinances. Even if you think your existing policy is in compliance, there are nuances, such as carry-over requirements, that call for close attention, particularly for FMLA-covered employers. If you have employees who work in Chicago or Cook County, now is the time to review your paid sick leave and/or paid time off policies to ensure they meet or exceed the minimum requirements of the laws, and that you are meeting notice-posting requirements.